



# Pathfinder Schools Complaints Procedure April 2021

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# Pathfinder Schools Complaints Policy

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Pathfinder Schools is dedicated to providing the best possible education and support for all pupils within its schools. This means having a clear, fair and efficient procedure for dealing with any complaints to or against our schools, so that any issues that arise can be dealt with as swiftly and effectively as possible.

The Trustees of Pathfinder Schools have approved and adopted this policy to allow parents/carers of pupils attending academy schools within the Trust to raise a concern or complaint. We will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to safeguarding and child protection;
- National Curriculum content;
- School re-organisation proposals eg opening or closing a school or amalgamating two schools;
- Complaints about services provided by other providers who may use school premises or facilities

Please see [Appendix 1](#) for further information.

The aims of the procedure are:

- to deal with any complaint against an academy or any individual connected with it by following the correct procedure;
- to deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

Part 1 of this procedure outlines how parental or pupil complaints will be dealt with by the Trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended. Concerns or complaints from persons other than parents/carers or pupils should be dealt with in accordance with Part 2.

## Understanding this Procedure

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm, respectful and professional at all times.

The procedure under Part 4 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

In this procedure:

- 'school days' excludes weekends and academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child.

## PART 1: Complaints Procedure

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### Stage 1: Informal concerns

- 1.1 We anticipate that the majority of enquiries and concerns can be dealt with satisfactorily by the class teacher or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.
- 1.2 It is always helpful if you can fully explain the nature of the concern, how you think it can be resolved and the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 1.3 If the matter is brought to the attention of the Headteacher s/he may decide to deal with your concerns directly at this stage or refer you to the most appropriate member of

staff. If the concerns are about the Headteacher these should be referred directly to the Chair of Governors via the school office.

- 1.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2 within 15 school days.

## **Stage 2: Formal Written Complaints**

- 2.1 If your concerns are not resolved under Stage 1 you should put your complaint in writing and send this to the Headteacher of the relevant school, which in the vast majority of cases will be the academy school your child attends.
- 2.2 Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your complaint. You may wish to use the Complaint Form provided in Appendix 2. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice Bureau to help you.
- 2.3 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the Trust's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.
- 2.4 The Headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaint and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.
- 2.5 If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Depending on the age of the pupil, they may be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable could be present. If a member of staff is complained against, they must have the opportunity to present their case.
- 2.6 Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the school will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

2.7 If in the early stages of the investigation, the Headteacher considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Clerk to the Trustees and you will be informed of this action without delay.

What if the complaint is about the Headteacher or the Headteacher has already considered your complaint at Stage 1?

If the complaint is about the Headteacher, or if the Headteacher has been closely involved at Stage 1, your complaint should be sent to the Clerk of the School Governing Body who will arrange for a Governor to carry out all of the Stage 2 procedures.

What if the complaint is about a member of the Local Governing Body?

You should contact the Chair of Governors at the school, who will arrange for another Governor to investigate the complaint in accordance with Stage 2.

If the complaint is about the local governing body as a whole, you should send your complaint to the Clerk to the Trustees, c/o Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [clerk@pathfinderschools.org.uk](mailto:clerk@pathfinderschools.org.uk)

What if the complaint is about the Chief Executive Officer?

If the complaint is about the Chief Executive Officer of the Trust, your complaint should be sent to the Clerk to the Trustees, c/o Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [clerk@pathfinderschools.org.uk](mailto:clerk@pathfinderschools.org.uk), who will arrange for a Trustee to carry out all of the Stage 2 procedures.

What if the complaint is about a Trustee?

If the complaint is about a Trustee, you should contact the Clerk to the Trustees, c/o Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [clerk@pathfinderschools.org.uk](mailto:clerk@pathfinderschools.org.uk)

If the complaint is about the Clerk of Trustees, your complaint should be sent to the Chair of Trustees, c/o Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [chair@pathfinderschools.org.uk](mailto:chair@pathfinderschools.org.uk)

If your complaint is about the Board of Trustees as a whole, you should send your complaint to the Clerk to the Trustees who will arrange for the matter to be independently investigated.

### **Stage 3: Referral to the Complaints Committee**

- 3.1 If you are dissatisfied with the decision under Stage 2 you may request that a Trust Complaints Committee be convened to consider your complaint. The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with under Stage 1 of the procedure.
- 3.2 To request a hearing before the Trust Complaints Committee, you should write to the Clerk to the Trustees at the Trust offices: Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [clerk@pathfinderschools.org.uk](mailto:clerk@pathfinderschools.org.uk) within 15 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You

should ensure that you provide copies of all relevant documents and state the reasons why you are dissatisfied with the outcome at Stage, along with an outline of the outcome that you are looking for.

- 3.3 Your request will be acknowledged within 5 school days of receipt.
- 3.4 The Clerk to the Trustees will arrange for a Trust Complaints Committee to be convened, made up of at least three members, including:
- members of local governing bodies from schools across the Trust, who have had no prior involvement in the matter
  - at least one Trustee of the academy Trust with no prior involvement in the matter
- 3.5 The Clerk shall appoint one of these members to be the Chair of the Committee.
- 3.6 The Clerk to the Trustees will appoint a Clerk to the Complaints Committee. This will usually be the Clerk to the Local Governing Body, however may be a Clerk to a different LGB or themselves.
- 3.7 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the Trust (referred to in this policy as the Trust representative). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.
- 3.8 If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within 20 school days of receipt of the complaint, the Clerk to the Complaints Committee may determine that the hearing proceeds on the basis of written submissions from both parties.
- 3.9 The notification will also inform you of your right to be accompanied to the meeting by a friend, relative or interpreter and explain how the meeting will be conducted. You should notify the Clerk to the Complaints Committee in advance if you intend to bring anyone to the hearing.
- 3.10 A copy of the complaint and any other documents provided by you in support of your complaint or by the Trust representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt, and no less than 5 days before the Panel Hearing. Copies of these documents shall also be provided to you and the Trust representative (as applicable) at least 5 school days before the hearing. If any additional documents are being presented at this stage, they must be received by the Clerk to the Complaints Committee at least 7 days prior to the hearing so that they can be sent out with the full set of papers. The Clerk reserves the right not to consider any documentation presented by either party less than 7 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into

account. The Committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

3.11 The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Clerk to the Complaints Committee will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

3.12 Unless otherwise stated, the procedure for a Stage 3 complaint is as follows:

- the parent and Trust representative will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the Trust representative and committee members will question the parent;
- the Trust representative will explain the academy's actions;
- the parent and the committee members will question the Trust representative;
- the parent will sum up their complaint;
- the Trust representative will sum up the Trust's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the Committee decides;
- the Clerk to the Complaints Committee will stay to assist the committee with its decision making.

The Clerk and / or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the Trust representative to present their complaint/actions separately to the Committee in the absence of the other party.

3.13 After the hearing, the Complaints Committee will consider their decision and inform you and the Trust representative of their decision in writing within 5 school days. The letter will set out the decision of the Committee together with the reasons underpinning that decision. The Committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.

### **Referral of complaint to the Education and Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Trust Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA). The ESFA cannot change a Trust's decision about a complaint but can investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at: <https://www.gov.uk/complain-about-school>

### **Records of complaints**

A written record will be kept of all complaints, including at what stage they were resolved and action taken by the Trust as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority. The findings and recommendations of the panel will be made available for inspection by the Trust and the Headteacher.

### **Communication**

Papers for the meetings and panel findings will be communicated in the preferred method for the complainant, this could be electronically or paper based. (Please refer to Appendix 5 for guidance on documents for panel hearings).

### **Process**

The correct stages must be followed, and a complaint will be referred to the appropriate stage as necessary. If a complainant takes the complaint to Ofsted / ESFA before the previous stages have been completed, they may relinquish their right to this process.

### **Behaviour Expectations**

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm, respectful and professional at all times. We retain the right to ask a complainant to leave a meeting if staff feel intimidated or threatened at any time. This applies to both meetings held in person or virtually. Further details on behaviour expectations are set out in Part 4.

## **PART 2: Concerns or Complaints from persons other than parents/carers of current registered pupils**

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Part 1 of this Complaints Policy applies solely to complaints made by parents or carers of current registered pupils of schools within the Trust. The Trust wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the school and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the Senior Leadership Team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. If your concern is not resolved at stage 1 you should put your complaint in writing and send this to the Headteacher of the relevant school to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of the Senior Leadership Team or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Clerk to the Trustees. You should write to the Clerk within 15 school days of receipt of the letter at stage 2. Requests received outside this timeframe will only be considered if exceptional circumstances apply. The Clerk will arrange for a Governor to consider the complaint alone or may convene a Complaints Committee on the same terms as set out in Part 1 of this policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the Trust's complaints procedure.

Concerns or complaints regarding the Headteacher or the Trust as a whole should be referred directly to the Clerk to the Trustees, c/o Pathfinder Schools, Greening Road, Rothwell, Northamptonshire, NN14 6BB or via email to [clerk@pathfinderschools.org.uk](mailto:clerk@pathfinderschools.org.uk), who will arrange for the stages above to be considered by an appropriate person.

## **PART 3: Duplicate complaints**

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If the school receives a new complaint from someone else about the same issue, ie spouse, partner, grandparent or child, it will be deemed a duplicate complaint. The school will write to the new complainant stating that the complaint has already been considered and the local process is complete. If you are dissatisfied with the school's handling of the original complaint the ESFA can be contacted on the details highlighted on page 7 of this procedure.

If there are new aspects to the complaint which had not been previously considered, these will be dealt with according to the complaints procedure.

## **PART 4: Unreasonably persistent complainants and unreasonable complainant behaviour**

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There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- Where the complainant's behaviour or language towards staff, members of the local governing body or Trustees is unacceptable, for example, is abusive, offensive, discriminatory or threatening;
- Where the complainant's behaviour is hindering the consideration of their or other people's complaints and/or the proper running of the Trust because of the frequency or nature of the complainant's contact, such as if the complainant:
  - Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - Refuses to co-operate with the complaints investigation process
  - Refuses to accept that certain issues are not within the scope of the complaints procedure
  - Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - Introduces trivial or irrelevant information which they expect to be taken into account and commented upon
  - Raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales
  - Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
  - Changes the basis of the complaint as the investigation proceeds
  - Seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  - Knowingly provides falsified information
  - Publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - Complaints which are obsessive, persistent, harassing, prolific, repetitious
  - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - Insistence upon pursuing meritorious complaints in an unreasonable manner
  - Complaints which are designed to cause disruption or annoyance
  - Demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person

only, restricting telephone calls to specified days and times or banning the complainant from the school premises. This will be reviewed after six months;

- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options and
- The complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- Letters, emails or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- We have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the local governing body or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **PART 5: Complaint Campaigns**

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For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school of the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- Send a template response to all complainants and/or
- Publish a single response on the school or Trust's website (as applicable)

# Appendix 1

## Matters excluded from scope of this policy

<b>Excluded Matters</b>	<b>Signposting</b>
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a>
Appeals against internal assessment	Please visit <a href="http://www.education.gov.uk">www.education.gov.uk</a> for details of the appeals process
National Curriculum content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
School re-organisation proposals	Where concerns about the opening, closing or amalgamating of schools are not adequately addressed by the Trust, complaints can be raised directly with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint.

# Appendix 2

## Stage 2 – Formal Complaint Form

### Your personal details

Your name:	
Your child's name:	
Your relationship to the child:	
Your address including postcode:	
Daytime telephone number:	
Evening telephone number:	
Email address:	

### Details of your complaint

1. Please provide full details of your complaint, including relevant dates and persons concerned where possible in the box below. If you have more than one complaint, please number these. Continue on a separate sheet if necessary.

2. What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response?). Continue on a separate sheet if necessary.

3. What would you like as an outcome from your complaint (s)? Continue on a separate sheet if necessary.

4. Are you attaching any paperwork? If so, please provide details.
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Signed:
Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Thank you for completing the form and providing us with details of your complaint. Please complete and return to either the school office or Trust offices (as appropriate depending upon the stage of the complaint) in a sealed envelope addressed to the Headteacher or Clerk to the Trustees (as appropriate).

<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Action taken:</b>
<b>Date:</b>

## Appendix 3

### Summary of Complaints Procedure

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Stage 1: Informal concerns	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days where possible
	Where no satisfactory solution has been found, parent to be advised that they can proceed to Stage 2



Stage 2: Formal Written Complaint	Parent to put complaint in writing using the Complaint Form within 15 school days from the end of Stage 1 outcome
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 15 school days where possible. Complainant to be advised if this not possible and revised timescales provided.



Stage 3: Referral To Trust Complaints Committee	Parent to request hearing within 15 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the hearing
	Trust representative and parents to submit evidence in support of their case to the Clerk at least 7 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing

## Appendix 4 - Roles and Responsibilities

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### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- respect the confidentiality of all parties at all times, ensuring that details of the complaint are not posted on social media platforms.

### Investigator (Stage 2)

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the

appropriate escalation details.

## Complaints Co-ordinator

*(this could be the head teacher or CEO / designated complaints governor or Trustee or other staff member providing administrative support)*

### The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor / Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## **Appendix 5 – Guidance on documents for panel meetings**

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Packs for panel members, complainants and school representatives should:

- be clear about the nature of the complaint
- have an index of contents (these may vary slightly for the complainant, as some confidential information may not be appropriate – advice to be sought as necessary)
- be in chronological order and page numbered
- include all relevant correspondence and papers from previous stages of the complaint with the investigation outcomes clear
- contain all relevant policies in use at the time of the hearing – not just excerpts or rely on using what's available online, in case policies have been amended for any reason during the process.
- have all the documentation from previous stages to include the following information:
  - the stage of the investigation the document supports
  - to whom it is to and from, or who carried out the investigation
  - dated and signed
- include all correspondence from the complainant relevant to each stage, as the final stage is not a rehearing